

# **EXHIBIT 3**

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5 Attorneys for Non-Parties  
6 Shook, Hardy & Bacon L.L.P.  
and Marc P. Miles  
7

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 MONSTER ENERGY COMPANY, a  
Delaware corporation,

12 Plaintiff,  
13

14 vs.

15 VITAL PHARMACEUTICALS, INC.,  
d/b/a VPX Sports, a Florida corporation;  
and JOHN H. OWOC a.k.a. JACK  
16 OWOC, an individual,

17 Defendants.  
18  
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Case No.: 5:18-cv-1882-JGB (SHKx)

Judge: Hon. Jesus G. Bernal  
Ctrm.: 1

**NON-PARTIES SHOOK, HARDY &  
BACON L.L.P. AND MARC P.  
MILES'S JOINT OBJECTIONS TO  
DEFENDANTS' SUBPOENA TO  
PRODUCE DOCUMENTS,  
INFORMATION, OR OBJECTS**

Complaint filed: 9/4/18

20 Pursuant to Federal Rule of Civil Procedure 45(d)(2)(B), Non-parties Shook,  
21 Hardy & Bacon LLP and Marc P. Miles (collectively "Non-parties") jointly submit  
22 the following objections to Defendants Vital Pharmaceuticals, Inc. and John H.  
23 Owoc's (collectively, "Defendants") substantively identical subpoenas to Non-parties,  
24 dated November 7, 2019 ("Subpoenas"), which were served on Non-parties on  
25 November 8, 2019. Non-parties object to the Subpoenas, copies of which are attached  
26 as Exhibits A and B, as follows:  
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**OBJECTION TO INSTRUCTION NO. 3**

The Subpoenas each assert in Instruction No. 3 that “[p]ursuant to Federal Rule 26(e), these requests are continuing in nature.” But the Non-parties are not subject to the continuing obligations imposed on parties under Rule 26(e).

## RESPONSES TO REQUESTS FOR PRODUCTION

**REQUEST FOR PRODUCTION NO. 1:**

All Communications between You and the U.S. Food & Drug Administration related to VPX, Owoc, or Bang, regardless of date.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

The Non-parties object to this Request as harassing, vague, ambiguous, overly broad, assuming facts not in evidence, unreasonably cumulative and duplicative, and unlimited in time and scope. The Non-parties further object to this Request to the extent it requests information protected by attorney-client privilege and/or attorney work product doctrine.

**REQUEST FOR PRODUCTION NO. 2:**

All Documents and Communications between You and the U.S. Food & Drug Administration related to Monster Products, regardless of date.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

Non-parties object to this Request as harassing, vague, ambiguous, overly broad, assuming facts not in evidence, unreasonably cumulative and duplicative, and unlimited in time and scope. The subject matter of this request is not relevant or proportional to what the Non-parties understand are the needs of this litigation. Non-parties also object to this Request to the extent it requests information protected by attorney-client privilege and/or attorney work product doctrine.

1 **REQUEST FOR PRODUCTION NO. 3:**

2 All Communications between You and the Bursor & Fisher law firm (including  
3 any attorneys, paralegals, employees, agents or representatives) related to VPX,  
4 Owoc, or Bang, regardless of date.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

6 Non-parties object to this Request as harassing, vague, ambiguous, overly  
7 broad, unreasonably cumulative and duplicative, and unlimited in time and scope.  
8 The subject matter of this request is not relevant or proportional to what Non-parties  
9 understand are the needs of the present litigation. Non-parties also object to this  
10 Request on the basis that the term “related to” is vague and ambiguous and, as  
11 defined, overly broad. Non-parties also object to this Request to the extent it requests  
12 information protected by attorney-client privilege, attorney work product doctrine,  
13 and/or the common interest privilege.  
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15 **REQUEST FOR PRODUCTION NO. 4:**

16 All Communications between You and the Nathan & Associates law firm  
17 (including any attorneys, paralegals, employees, agents or representatives) related to  
18 VPX, Owoc, or Bang, regardless of date.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

20 Non-parties object to this Request as harassing, vague, ambiguous, overly  
21 broad, unreasonably cumulative and duplicative, and unlimited in time and scope.  
22 The subject matter of this request is not relevant or proportional to what Non-parties  
23 understand are the needs of the present litigation. Non-parties also object to this  
24 Request on the basis that the term “related to” is vague and ambiguous and, as  
25 defined, overly broad. Non-parties also object to this Request to the extent it requests  
26 information protected by attorney-client privilege, attorney work product doctrine,  
27 and/or the common interest privilege.  
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**REQUEST FOR PRODUCTION NO. 5:**

All Communications between You and the Barbat, Mansour & Suciu law firm (including any attorneys, paralegals, employees, agents or representatives) related to VPX, Owoc, or Bang, regardless of date.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

Non-parties object to this Request as harassing, vague, ambiguous, overly broad, unreasonably cumulative and duplicative, and unlimited in time and scope. The subject matter of this request is not relevant or proportional to what Non-parties understand are the needs of the present litigation. Non-parties also object to this Request on the basis that the term “related to” is vague and ambiguous and, as defined, overly broad. Non-parties also object to this Request to the extent it requests information protected by attorney-client privilege, attorney work product doctrine, and/or the common interest privilege.

**REQUEST FOR PRODUCTION NO. 6:**

All Communications between You and the Kohn, Swift & Graf law firm (including any attorneys, paralegals, employees, agents or representatives) related to VPX, Owoc, or Bang, regardless of date.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

Non-parties object to this Request as harassing, vague, ambiguous, overly broad, unreasonably cumulative and duplicative, and unlimited in time and scope. The subject matter of this request is not relevant or proportional to what Non-parties understand are the needs of the present litigation. Non-parties also object to this Request on the basis that the term “related to” is vague and ambiguous and, as defined, overly broad. Non-parties also object to this Request to the extent it requests information protected by attorney-client privilege, attorney work product doctrine, and/or the common interest privilege.

**REQUEST FOR PRODUCTION NO. 7:**

All Communications between You and the Greg Coleman law firm (including any attorneys, paralegals, employees, agents or representatives) related to VPX, Owoc, or Bang, regardless of date.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

Non-parties object to this Request as harassing, vague, ambiguous, overly broad, unreasonably cumulative and duplicative, and unlimited in time and scope. The subject matter of this request is not relevant or proportional to what Non-parties understand are the needs of the present litigation. Non-parties also object to this Request on the basis that the term “related to” is vague and ambiguous and, as defined, overly broad. Non-parties also object to this Request to the extent it requests information protected by attorney-client privilege, attorney work product doctrine, and/or the common interest privilege.

**REQUEST FOR PRODUCTION NO. 8:**

All Communications between You and the Kercsmar & Feltus law firm (including any attorneys, paralegals, employees, agents or representatives) related to VPX, Owoc, or Bang, regardless of date.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Non-parties object to this Request as harassing, vague, ambiguous, overly broad, unreasonably cumulative and duplicative, and unlimited in time and scope. The subject matter of this request is not relevant or proportional to what Non-parties understand are the needs of the present litigation. Non-parties also object to this Request on the basis that the term “related to” is vague and ambiguous and, as defined, overly broad. Non-parties also object to this Request to the extent it requests information protected by attorney-client privilege, attorney work product doctrine, and/or the common interest privilege.



**REQUEST FOR PRODUCTION NO. 9:**

All Communications between You and the Alderman Law Firm (including any attorneys, paralegals, employees, agents or representatives) related to VPX, Owoc, or Bang, regardless of date.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

Non-parties object to this Request as harassing, vague, ambiguous, overly broad, unreasonably cumulative and duplicative, and unlimited in time and scope. The subject matter of this request is not relevant or proportional to what Non-parties understand are the needs of the present litigation. Non-parties also object to this Request on the basis that the term “related to” is vague and ambiguous and, as defined, overly broad. Non-parties also object to this Request to the extent it requests information protected by attorney-client privilege, attorney work product doctrine, and/or the common interest privilege.

**REQUEST FOR PRODUCTION NO. 10:**

All Communications between You and the Levin Fishbein Sedran & Berman or Levin Sedran & Berman law firm (including any attorneys, paralegals, employees, agents or representatives) related to VPX, Owoc, or Bang, regardless of date.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

Non-parties object to this Request as harassing, vague, ambiguous, overly broad, unreasonably cumulative and duplicative, and unlimited in time and scope. The subject matter of this request is not relevant or proportional to what Non-parties understand are the needs of the present litigation. Non-parties also object to this Request on the basis that the term “related to” is vague and ambiguous and, as defined, overly broad. Non-parties also object to this Request to the extent it requests information protected by attorney-client privilege, attorney work product doctrine, and/or the common interest privilege.

**REQUEST FOR PRODUCTION NO. 11:**

All Communications between You and Harke Law LLP (including any attorneys, paralegals, employees, agents or representatives) related to VPX, Owoc, or Bang, regardless of date.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

Non-parties object to this Request as harassing, vague, ambiguous, overly broad, unreasonably cumulative and duplicative, and unlimited in time and scope. The subject matter of this request is not relevant or proportional to what Non-parties understand are the needs of the present litigation. Non-parties also object to this Request on the basis that the term “related to” is vague and ambiguous and, as defined, overly broad. Non-parties also object to this Request to the extent it requests information protected by attorney-client privilege, attorney work product doctrine, and/or the common interest privilege.

**REQUEST FOR PRODUCTION NO. 12:**

All Communications between You and the Barnow & Associates law firm (including any attorneys, paralegals, employees, agents or representatives) related to VPX, Owoc, or Bang, regardless of date.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

Non-parties object to this Request as harassing, vague, ambiguous, overly broad, unreasonably cumulative and duplicative, and unlimited in time and scope. The subject matter of this request is not relevant or proportional to what Non-parties understand are the needs of the present litigation. Non-parties also object to this Request on the basis that the term “related to” is vague and ambiguous and, as defined, overly broad. Non-parties also object to this Request to the extent it requests information protected by attorney-client privilege, attorney work product doctrine, and/or the common interest privilege.



**REQUEST FOR PRODUCTION NO. 13:**

All Communications between You and the Lite DePalma Greenberg law firm (including any attorneys, paralegals, employees, agents or representatives) related to VPX, Owoc, or Bang, regardless of date.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

Non-parties object to this Request as harassing, vague, ambiguous, overly broad, unreasonably cumulative and duplicative, and unlimited in time and scope. The subject matter of this request is not relevant or proportional to what Non-parties understand are the needs of the present litigation. Non-parties also object to this Request on the basis that the term “related to” is vague and ambiguous and, as defined, overly broad. Non-parties also object to this Request to the extent it requests information protected by attorney-client privilege, attorney work product doctrine, and/or the common interest privilege.

**REQUEST FOR PRODUCTION NO. 14:**

All Communications between You and any other law firm (including any attorneys, paralegals, employees, agents or representatives) in the United States related to VPX, Owoc, or Bang, regardless of date. (This request excludes any firms or attorneys representing or retained by Monster.)

**RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

Non-parties object to this Request as harassing, vague, ambiguous, overly broad, unreasonably cumulative and duplicative, and unlimited in time and scope. The subject matter of this request is not relevant or proportional to what Non-parties understand are the needs of the present litigation. Non-parties also object to this Request on the basis that the term “related to” is vague and ambiguous and, as defined, overly broad. Non-parties also object to this Request to the extent it requests

1 information protected by attorney-client privilege, attorney work product doctrine,  
2 and/or the common interest privilege.

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4 **REQUEST FOR PRODUCTION NO. 15:**

5 All Documents and Communications related to media press releases, media  
6 statements, and media interviews related to VPX, Owoc, or Bang, regardless of date.  
7 (This request excludes Your internal firm communications, communications with  
8 Monster, and communications with other firms or attorneys representing or retained  
9 by Monster.)

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

11 Non-parties object to this Request as harassing, vague, ambiguous, overly  
12 broad, unreasonably cumulative and duplicative, and unlimited in time and scope.  
13 The subject matter of this request is not relevant or proportional to what Non-parties  
14 understand are the needs of the present litigation. Non-parties also object to this  
15 Request on the basis that the terms “media press releases,” “media statements,” “media  
16 interviews,” and “related to” are vague and overly broad. Non-parties also object to  
17 this Request to the extent it requests information protected by attorney-client  
18 privilege, attorney work product doctrine, and/or the common interest privilege.

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20 **REQUEST FOR PRODUCTION NO. 16:**

21 All Documents and Communications related to VPX, Owoc, or Bang,  
22 regardless of date. (This request excludes Your internal firm communications,  
23 communications with Monster, and communications with other firms or attorneys  
24 representing or retained by Monster.)

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

26 The Non-parties object to this Request as harassing, vague, ambiguous, overly  
27 broad, assumes facts not in evidence, unreasonably cumulative and duplicative, and  
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1 unlimited in time and scope. The subject matter of this request is not relevant or  
2 proportional to what Non-parties understand are the needs of the present litigation.  
3 Non-parties also object to this Request to the extent it requests information protected  
4 by attorney-client privilege, attorney work product doctrine, and/or the common  
5 interest privilege.

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7 Dated: November 22, 2019

SHOOK, HARDY & BACON L.L.P.

8  
9 By: 

10 Frank C. Rothrock  
11 Attorneys for Non-Parties  
12 Shook, Hardy & Bacon L.L.P. and  
13 Marc P. Miles  
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